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4 Attorneys for STATE OF ARIZONA

2011 MAY 20 AM 10:47

SANDRA K MARKHAM ✓
CLERK

Kelly Gresham

BY: _____

5 IN THE SUPERIOR COURT

6 STATE OF ARIZONA, COUNTY OF YAVAPAI

7 STATE OF ARIZONA,

V1300CR201080049

8 Plaintiff,

STATE'S SUPPLEMENTAL EXHIBIT TO
DEFENDANT'S
REPLY RE: MOTION TO EXCLUDE
PROPOSED EXPERT TESTIMONY OF
DOUGLAS SUNDLING

9 vs.

10 JAMES ARTHUR RAY,

11 Defendant.

(The Honorable Warren Darrow)

12
13
14 The State of Arizona, through undersigned counsel, respectfully files Exhibit A, Copy of
15 Letter dated April 4, 2011, from Sheila Polk to Truc Do.

16 In Defendant's Reply re: Motion to Exclude Proposed Expert Testimony of Douglas
17 Sundling, Defendant incorrectly states the State failed to respond to Defendant's letter dated March
18 31, 2011 requesting an interview of Doug Sundling. As shown in attached Exhibit A, the State
19 responded to Defendant's request to interview Doug Sundling on April 4, 2011, and asked
20 Defendant's counsel to contact the State with dates of availability. Defense counsel has not done so.
21

22 RESPECTFULLY submitted this 20th day of May, 2011.

23 SHEILA SULLIVAN POLK
24 YAVAPAI COUNTY ATTORNEY

25 Sheila Polk
26

Office of the Yavapai County Attorney

255 E. Gurley Street

Prescott, AZ 86301

Phone: (928) 771-3344 Facsimile: (928) 771-3110

1 **COPIES** of the foregoing emailed this
2 20th day of May, 2011:

3 Hon. Warren Darrow
4 Dtroxell@courts.az.gov

5 Luis Li: Luis.Li@mto.com
6 Thomas Kelly: tskelly@kellydefense.com
7 Truc Do: Tru.Do@mto.com
8 Miriam Seifter: miriam.seifter@mto.com
9 Attorneys for Defendant


10 By: 

COPIES of the foregoing delivered this
20th day of May, 2011, to

Thomas Kelly
Via courthouse mailbox

Luis Li, Truc Do, Miriam Seifter
Munger, Tolles & Olson LLP
355 S. Grand Avenue, 35th Floor
Los Angeles, CA 90071-1560

Via U.S. Mail

By: 



Yavapai County Attorney

255 East Gurley Street
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SHEILA POLK
Yavapai County Attorney

April 14, 2011

Truc T. Do
Munger, Tolles & Olson L.L.P.
355 South Grand Avenue, 35th Floor
Los Angeles, CA 90071-1560

Re: State v. Ray, Your letter dated March 31, 2011

Dear Ms. Do:

Below please find responses to your discovery requests outlined in your letter dated March 31, 2011.

Request for Interview and Disclosure Re: AIT Laboratories

At this time, the State does not intend to call Dr. DiGregorio or other technicians from AIT or NMS labs. Should you wish to interview them, their contact information is set forth in the documents we have provided to you. It is our understanding that AIT Lab sent the samples to NMS Labs for the organophosphate tests and the results were sent to AIT Labs. In response to your March 31 letter and request, we requested the "litigation package" from NMS labs on an expedited basis. We have been told it may take a few weeks and will provide it to you as soon as we receive it.

- Your request for "all chain of custody information for the blood samples and all related correspondence":
 - On Feb. 22, 2011, we disclosed the AIT Forensic Toxicology Request.
- Your request for "all notes from AIT Laboratories made in connection with this case":
 - We will request this information from AIT.
- Your request for "all information regarding the name and type of panels that you requested":
 - This information was provided to you in the Forensic Toxicology Request Form in the State's 41st Supplemental Disclosure.
- Your request for "information regarding the conversations between Detective Diskin and Cindy Ross in the Yavapai County Medical Examiner's Office regarding precisely what "specimens" were sent to AIT.":

Truc Do
April 14, 2011
Page Two

- All documentation was provided to you on Feb. 4, 2011 in the State's 36th Supplemental Disclosure, and Feb. 22, 2011, in the State's 41st Supplemental Disclosure.

Request for Statements of Richard Haddow

All disclosure has been made as of this date.

Notes of Bill Hughes and Steve Sisneros of the December 14, 2009 Meeting

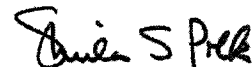
This letter will confirm that neither prosecutor took notes during this meeting.

Interview of Douglas Sundling

Please provide to my assistant, Penny Cramer, the dates of your availability to interview Mr. Sundling so that she can schedule the interview.

If you have any other pending disclosure requests, please advise me of this fact. Additionally, if you have any questions or need anything further, please do not hesitate to contact me.

Very truly yours,



Sheila Sullivan Polk
Yavapai County Attorney